



**CONTAINS CONFIDENTIAL BUSINESS INFORMATION NOT SUBJECT TO
DISCLOSURE UNDER FOIA**

April 7, 2021

By Electronic Mail

Thomas Carroll
Acting Director
Air Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Mail Code: 2201A
Washington, DC 20460

Re: April Update to Response to April 24, 2020 Letter from the U.S. Environmental
Protection Agency

Dear Mr. Carroll:

Birla Carbon USA, Inc. (“Birla” or the “Company”) submits this letter as the eleventh update to its May 22, 2020 response to the April 24, 2020 letter it received from the U.S. Environmental Protection Agency (“EPA” or the “Agency”) regarding force majeure notices the Company submitted on March 16 and 18, 2020 in anticipated noncompliance with obligations under the Consent Decree between the United States of America, the Louisiana Department of Environmental Quality (“LDEQ”), the Kansas Department of Health and Environment (“KDHE”), and Columbian Chemicals Company. Consent Decree, *United States et al. v. Columbian Chem. Co.*, No. 6:17-cv-01661-RGJ-CBW (W.D. La. June 11, 2018).

Please note that this letter and certain attachments to this letter include confidential business information (“CBI”) and are marked as such. Documents marked for CBI are entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B, and are not subject to disclosure under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. We ask that LDEQ and KDHE similarly treat this as CBI under their analogous state laws.¹

¹ Certain attachments to this letter include CBI, which Birla has designated as such with the stamp “CONFIDENTIAL BUSINESS INFORMATION NOT SUBJECT TO DISCLOSURE UNDER FOIA.” Based on a review of relevant LDEQ regulations, La. Admin. Code tit. 33, pt. I, § 501(A), Birla understands that it must submit any CBI via mail or delivery to

Birla Carbon USA, Inc.

1800 West Oak Commons Court, Marietta, Georgia 30062-2253
T: (770)792-9400 | F: (770)792-9328 | W: www.birlacarbon.com

I. North Bend

Since our last update, construction was ongoing at North Bend for installation of equipment required under the Consent Decree.

Birla's vendor, [REDACTED], continues to estimate a two to four month delay for various components of the scrubber system due to lack of access to manufacturing facilities in connection with poor weather conditions and COVID-19 restrictions. *See Confidential Attachments 1, 2, and 3.* Additionally, the project site manager at North Bend tested positive for COVID-19 this week and will have to quarantine for two weeks, demonstrating the ongoing COVID-19 issues.

The heat recovery steam generation ("HRSG") boiler was delayed nearly two months from the original delivery date. *See Confidential Attachment 1.* Delivery was made on March 4, 2021, and the equipment is currently being moved into place.

A new [REDACTED] had to be sourced from a new vendor, [REDACTED], following [REDACTED] notification that due to the death of its company principal and COVID-19 related issues, it would not be able to complete its contract and deliver the [REDACTED] due for delivery on April 1, 2021. *See Confidential Attachment 1.* [REDACTED] will deliver the new [REDACTED] in June 2021, a nearly two-month delay over the original delivery date of April 1, 2021. *See Confidential Attachment 1.*

Overall delays are still estimated at just over seven weeks from the originally scheduled target completion date, with a projected completion date of November 22, 2021. *See Confidential Attachment 1.* The final commissioning is anticipated to take place following that date, with the CEMS being certified on December 10, 2021 after all system tuning is done.

II. Hickok

Construction is ongoing at Hickok for installation of equipment required under the Consent Decree. On February 24, 2021, the RATA Test was submitted to KDHE. The Company is continuing with commissioning work on the new system, but Birla received the draft air permit modification that covers all new equipment required by the consent decree on April 2, 2021. Birla is currently in the process of reviewing the draft permit modification and will submit comments to KDHE to issue the final permit.

The reactor vent scrubbers have been dispatched from India, are finally being shipped to the United States, and are currently anticipated to arrive in Oakland, California, on April 9, 2021. Birla expects arrival in Denver to clear U.S. Customs and Border Protection approximately one week later. The reactor vent scrubbers will then be transferred to the Hickok site for installation. Installation and commissioning is expected to take approximately one month once the unit is delivered on site. Birla expects the reactor vent scrubbers to be installed and operational by approximately May 21, 2021.

LDEQ and not electronically. At this time, Birla is providing the entire submittal to EPA and KDHE, and will separately submit the letter and its attachments to LDEQ.

As discussed in Confidential Attachment 4, during commissioning operations on Incinerator Train #1, on February 8, 2021, it was discovered that the primary boiler feed water pump had failed. Investigation showed that shortly thereafter, the second pump also failed for reasons beyond the control of Birla. During this time, hot gases from the incinerator continued to flow to and through the HRSG even though there was no water flow. This resulted in significant damage to the HRSG. While the root cause analysis is on-going, it appears that a safety interlock, which should have shut down the hot gas flow to the HRSG, did not function correctly. The boiler manufacturer and the EPC Contractor have developed a path forward to return the boiler to being fully operational since it cannot be operated in the current state. This will include replacing a substantial portion of the boiler tubes and making other repairs. This boiler produces steam which is essential for plant steam and freeze protection. Commissioning work on the project will resume once the boiler is retubed. Birla estimates that these boiler issues will be resolved by April 15, 2021.²

Assuming there are no further delays, Birla anticipates Hickok meeting its Consent Decree obligations for this plant by May 22, 2021.

We will update you with more details as they become available. Please contact David Buente at 202-255-8684 or dbuente@sidley.com if you have any questions in the meantime.

Sincerely,



Randy Waskul
Global Director, Health, Safety & Environmental

CC: Kellie Ortega, U.S. EPA (by email)
Patrick Foley, U.S. EPA (by email)
Chris Williams, U.S. EPA (by email)
Carlos Evans, U.S. EPA Region 6 (by email)
Emad Shahin, U.S. EPA Region 6 (by email)
Lisa Gotto, U.S. EPA Region 7 (by email)
Lisa Hanlon, U.S. EPA Region 7 (by email)
Amy Algoe-Eakin, U.S. EPA Region 7 (by email)
Alex Chen, U.S. EPA Region 7 (by email)
Thomas Mariani, U.S. DOJ (by email)
Eli Quinn, U.S. DOJ (by email)
Connie Ellis, KDHE (by email)
Kate Gleeson, KDHE (by email)

² We assume this satisfies our notification requirements under Paragraph 56, which requires Birla to notify the Agencies of anything that could potentially cause a violation of the Consent Decree. Please let us know if further details or additional notification is required.

Thomas Carroll
April 7, 2021
Page 4

Deidre Johnson, LDEQ (by FedEx)
David Buente, Sidley Austin LLP (by email)
Peter Whitfield, Sidley Austin LLP (by email)

Enclosures: Confidential Attachment 1 - 2021-03-31 - North Bend - Letter from Engineer of Record

Confidential Attachment 2 - 2021-03-18 - North Bend - Letter from Scrubber System Vendor

Confidential Attachment 3 - 2021-03-19 - North Bend - Letter from Scrubber System Vendor

Confidential Attachment 4 - 2021-04-02 - Hickok - Worley COVID-19 Impact Schedule Analysis

Attachment 5 - 2021-04-01 - Hickok - Letter from Worley

CONFIDENTIAL ATTACHMENT 1

2021-03-31 - North Bend -
Letter from Engineer of Record

Attn: Mark B. Vannice, PE, Project Director
Birla Carbon USA, Inc.
Regional Office Marietta
1800 West Oak Commons Ct
Marietta, GA 30062

Letter: BC-012

Re: Purchase Order No. 2300002188; Notice of Force Majeure Event Update – Status as of March 31st, 2021

Dear Mr. Vannice:

Reference is made the above Purchase Order and the Professional Services Terms and Conditions (Agreement) and Letters BC-001 dated May 13th, 2020 and BC-002 dated June 17th, 2020. Terms not otherwise defined herein shall have the meaning assigned to them in the Agreement.

In accordance with Article 12(a) of the Agreement Engineer is providing Owner an update to the Force Majeure Event notice of May 13th, 2020. The Force Majeure Event is primarily the domino effect of uncontrolled delays and disruption of the global supply chain the Owner is experiencing from its Vendors supplying material and equipment to the Facility project; and secondarily the potential delay caused by disruptions in the available services to, and mobility of, Engineers' staff. The delays and disruptions to the supply chain as we are informed by notices from the Vendors to you are caused by impacts of the COVID-19 epidemic on the manufacture of materials and equipment. These delays are outside the control and without the fault of Engineer. To the extent these delays experienced by the Vendors affects the timely delivery of our Work that depends on inputs of information and ultimately delivery to the Facility in accordance with the Schedule, we are, or likely will be, seeking extensions on the Schedule for a time reasonably necessary to overcome the effect of the delay and additional compensation as appropriate. We are to the extent possible undertaking reasonable measures to make up for time lost caused by the delay and assisting Owner, to the extent possible, mitigating Vendor impacts.

March 31st, 2021
Mr. Mark Vannice
Page 2

As of March 1st, we are informed by Owner's Vendor [REDACTED] that they are incurring delays of anywhere from two (2) to four (4) months for various components of the AQCS due to the lack of access to manufacturing facilities in connection with the restrictions related to the COVID-19 virus. Additionally, the absorber manufacturer contracted by [REDACTED], [REDACTED], has issued [REDACTED] a Force Majeure claim as of March 2nd, claiming a two week delay due to the extreme cold weather event in February and Covid impacts. [REDACTED] and Birla are working to mitigate this latest delay in the absorber delivery through prefabrication to reduce field time. This effort is ongoing, and the result is not yet certain.

In addition, Owner's Vendor [REDACTED] delayed their hydrotest dates until January 18th and 29th, 2021, causing a delay of the delivery of the HRSG until March 3rd. This was over two months past the original delivery date.

A new priming system skid has been sourced after the original vendor backed out of their contract due to the death of the company Principal and Covid 19 impacts. The new vendor, [REDACTED], will deliver the skid in June of 2021, an approximate slip of more than two months over the original delivery date of April 1st.

Additionally, the entire North Bend plant was evacuated the week of August 24th, 2020 due to two named storms, Hurricane Laura and Tropical Storm Marco.

Also, the entire North Bend facility was evacuated again October 8th – 11th, 2020 for Hurricane Delta. This evacuation had initially delayed the piling contractor [REDACTED] and they had issued a Force Majeure notice for this event. The piling is now complete and this has been incorporated into the current schedule.

The latest extreme weather event to impact the project were the record cold in February. The site was closed Feb 15th – 17th due to local roads being closed restricting access to the site/

These potential delays by the Vendors and the weather-related evacuations and closures of the site translates to a corresponding delay affecting the Engineer's Schedule that is also outside the control and without fault of Engineer. Engineer is taking every effort to overcome or mitigate the potential delays and will keep you informed as further information becomes available, so that we can work together cooperatively to address any problems that may arise on your Facility project.

After incorporating all the known FM delays and impacts into the project schedule, the completion date for the project is currently November 22nd, 2021. This is a total delay of just over 7 weeks from the original schedule target date of October 1st, 2021.

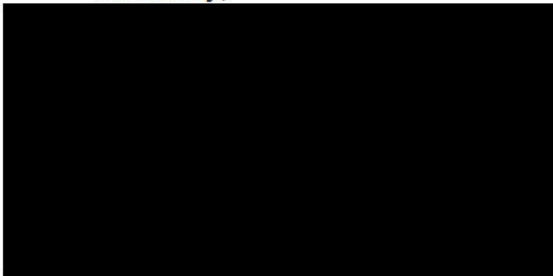
March 31st, 2021
Mr. Mark Vannice
Page 3



We continue to monitor the situation and will keep the Owner apprised of additional delays when they are discovered.

Please feel free to contact me at [REDACTED] if you have any questions.

Sincerely,



cc: Randy Waskul, Birla
Nick Johnson, SLCI
David Lund, SLCI

CONFIDENTIAL ATTACHMENT 2

2021-03-18 - North Bend -
Letter from Scrubber System Vendor

Date: March 18, 2021

[REDACTED]
Transmitted by email via Transmittal T0010

Re: Notice of schedule impact related to the abnormal weather conditions on February 13 through February 21, 2021 in [REDACTED]. Exacerbating the schedule impact of the weather event has been the ongoing impact of COVID-19 related absences, on Order Number 5000069542 Birla Carbon Upgrade (the "Project").

Mark Van Den Hende,

This letter is regarding the abnormal weather conditions stated above and its impact on Order Number 5000069542 Birla Carbon Upgrade (the "Project"). [REDACTED] was forced to shut down operations completely at both the [REDACTED] plants starting on February 13th and were unable to resume operations until February 22nd. The 9-day closure was exacerbated by employees with COVID-19 related symptoms being unable to seek diagnosis during this period increasing the number of typical absences once operations were able to resume. In addition to the COVID-19 related absences, some employees were unable to immediately return to work on the 22nd due to personal damage related to the weather event. In full, the abnormal weather event coupled with the COVID-19 impact created a 2-week schedule delay on the Project.

The purpose of this letter is to provide you with official notice of an impact to [REDACTED] projected fabrication and delivery schedule on the Project as a result of the abnormal weather conditions which were exacerbated by the ongoing COVID-19 pandemic. **This notice is intended to comply with any relevant notice requirements whether applicable by contract, statute, regulation, caselaw, or other authority.**

Thank you,
[REDACTED]

CONFIDENTIAL ATTACHMENT 3

2021-03-19 - North Bend -
Letter from Scrubber System Vendor

[REDACTED]

March 19, 2021

Birla Carbon U.S.A., Inc.
Attn.: Mark Vannice
1800 West Oak Commons Ct
Marietta, Georgia 30062
Email: mark.vannice@adityabirla.com

Re: Seawater Flue Gas Desulfurization System/
Birla Carbon – North Bend Facility, Centerville, Louisiana
PO Number: 2300002283
Notice of Force Majeure Event

Dear Mr. Vannice,

Further to our conversation this morning, attached please find a notice of an adverse Force Majeure impact received from [REDACTED]. The adverse impact is due to COVID-19 absences and the recent abnormal weather event, resulting in an unforeseen schedule delay for [REDACTED] fabrication and delivery of the SCR Reactors and Ductwork by approximately two weeks. [REDACTED] is coordinating with [REDACTED] in order to mitigate these delays and will keep you informed as further information becomes available.

Please note this notice is separate from the March 3, 2021 Force Majeure notice for the Absorber.

Please feel free to contact me at [REDACTED] if you have any questions.

Sincerely,

[REDACTED]

CC Owner's Representative:

[REDACTED]

CONFIDENTIAL ATTACHMENT 4

2021-04-02 - Hickok -
Worley COVID-19 Impact Schedule Analysis



Hickok Air Quality Control Upgrade Project

Force Majeure Project Schedule Impact Analysis

Prepared for Birla Carbon USA
April 02, 2021



Purpose: To identify the effects of the COVID-19 Global Pandemic Force Majeure AND other Force Majeure events on the Birla Carbon Hickok Project.

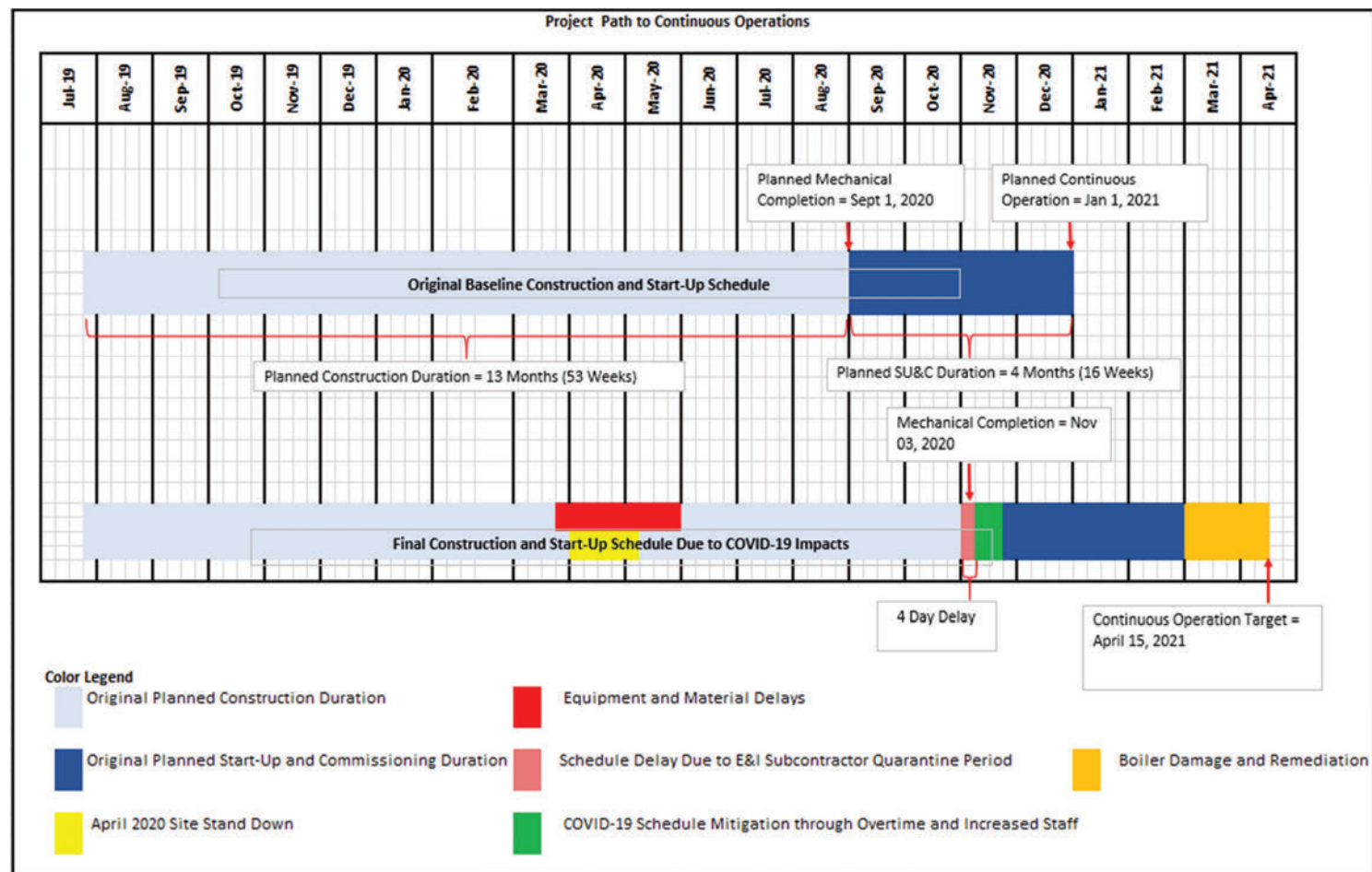
- Project was initially planned to achieve the Compliance Date of 01/01/2021.
- COVID-19 Global Pandemic directly delayed delivery of equipment and material with a direct negative impact on schedule critical path.
- Subsequently the COVID-19 Global Pandemic caused other schedule delays on the project.
- There were no Covid-19 related schedule impacts experienced during February 2021.
- The project's new Waste Heat Recovery Boiler was damaged during equipment start-up in the month of February 2021. Boiler remediation work involves the replacement of all 2nd and 3rd pass internal tubes which were irreparably damaged during the incident. The repair work is underway and on track to be completed in early April 2021 which is extending the completion date beyond prior months' reporting. The event which led to the boiler damage was unforeseeable and beyond the reasonable control of the Project.
- The project is currently forecasting a target compliance date of 15 April 2021.

Project was logically sequenced to install:

- Perform earthworks/foundations
 - Install Equipment
 - Install Steel Racks
 - Erect Piping
 - Install Electrical
 - Mechanical Completion
 - Commissioning
 - Compliance Date
- COVID-19 Global Pandemic directly delayed delivery of critical equipment/material during the equipment installation period and at the start of the bulk pipe installation period.
 - Vendors began to notify Worley of known delays in March 2020
 - The equipment and material delays caused a 45 day delay to the project construction schedule



Schedule Impact Overview



Material and Equipment Delays

Activity Name	Pre-Covid DD: March 27, 2020 Finish Date	Post-Covid DD: May 08, 2020 Finish Date	Actual Delivery DD: Nov 13, 2020 Finish Date	Variance from Baseline	Craft
- Ductwork (Combustion Air)	17-Apr-20	5-May-20	May 5, 2020	18	Boiler Makers
- Misc. Loose Ship Items	17-Apr-20	19-May-20	May 22, 2020	35	Boiler Makers
- Ductwork (Tail Gas)	17-Apr-20	21-May-20	May 26, 2020	39	Boiler Makers
- Pipe Skids	10-Apr-20	18-May-20	May 22, 2020	42	Boiler Makers
- Pilot Air Line	17-Apr-20	21-May-20	June 1, 2020	45	Boiler Makers
- Ductwork (Boiler)	17-Apr-20	21-May-20	June 1, 2020	45	Boiler Makers
- Ductwork	17-Apr-20	8-May-20	June 1, 2020	45	Boiler Makers
- Expansion Joints	17-Apr-20	27-May-20	June 4, 2020	48	Boiler Makers
DELIVERY: WORLEY - Pipe Supports (Atomizer Cooling Air Piping)	27-Apr-20	18-May-20	May 13, 2020	16	Piping
DELIVERY: WORLEY - Damper Valves	19-Jun-20	24-Jun-20	July 8, 2020	19	Piping
DELIVERY: WORLEY - PCV Valve	19-Jun-20	24-Jun-20	July 8, 2020	19	Piping
DELIVERY: WORLEY - Pipe Supports (Duct)	15-Apr-20	15-May-20	May 13, 2020	28	Piping
DELIVERY: WORLEY - Pipe Supports Del. Complete (Small & Large Bore Piping)	20-Apr-20	15-May-20	May 20, 2020	30	Piping

**Critical path activities (Less than 5 days Schedule Float) highlighted in yellow*



Equipment Supplier Delay Notifications

Item	Supplier/Location	Supplier COVID-19 Impact Notification Date	Original Planned Delivery Date	COVID-19 Delayed Delivery Date (Actual)
Fuel Skids	[REDACTED]	March 20, 2020	April 10, 2020	Arrived at site on May 26, 2020
BMS Panels	[REDACTED]	March 20, 2020	March 23, 2020	Shipped to downstream integrator on April 23, 2020. Arrived at site with PDC in late June 2020.
36" Pressure Control Valve	[REDACTED] [REDACTED]	March 18, 2020	June 16, 2020	Valves and air tanks arrived at site on July 08, 2020
36" On/Off Dampers	[REDACTED] [REDACTED]	March 18, 2020	June 16, 2020	Valves and air tanks arrived at site on July 08, 2020
[REDACTED] Flow Elements / Dampers / Control Valves / Incinerator Mounted Instrumentation	[REDACTED]	March 20, 2020	April 17, 2020	Arrived at site on May 22, 2020



Material Supplier Delay Notifications

Item	Supplier/Location	Supplier COVID-19 Impact Notification Date	Original Planned Delivery Date	COVID-19 Delayed Delivery Date (Actual)
Pipe Supports and Hangers	[REDACTED]	March 30, 2020	April 20, 2020	All supports received on site by May 20, 2020
Combustion Air Ductwork	[REDACTED]	March 20, 2020	April 17, 2020	All received on site May 4, 2020.
Tail Gas Ductwork	[REDACTED]	March 20, 2020	April 17, 2020	Delivered to site on June 01, 2020
WHRU (Boiler) Inlet Ductwork	[REDACTED]	March 20, 2020	April 17, 2020	Delivered to site on June 01, 2020

Analysis of Construction Schedule Delay Due to COVID-19 HSE Work Restrictions

	Pre-Covid-19 Schedule			Actualized Schedule with Current Progress				
Activity Description	Duration (Days)	Start Date	Finish Date	Duration (Days)		Duration Variance from Baseline	Start Date	Finish Date
				Less Site Stand Down				
	Schedule Data Date: March 27, 2020				Schedule Data Date: November 13, 2020			
Utility Bridge								
Ductwork	28	May 28, 2020	July 7, 2020	48	48	20	May 7, 2020	September 10, 2020
Electrical	33	May 26, 2020	July 10, 2020	70	70	37	June 25, 2020	October 8, 2020
Piping	26	April 21, 2020	May 27, 2020	45	45	19	May 4, 2020	July 2, 2020
Incinerator Train North								
Ductwork	40	March 18, 2020	May 21, 2020	80	55	15	March 18, 2020	August 26, 2020
Electrical	58	May 26, 2020	August 14, 2020	92	92	34	June 5, 2020	October 15, 2020
Piping	21	June 10, 2020	July 13, 2020	39	39	18	June 4, 2020	July 24, 2020
Incinerator Train South								
Ductwork	37	April 13, 2020	June 3, 2020	58	58	21	May 5, 2020	August 7, 2020
Electrical	58	May 26, 2020	August 14, 2020	90	90	32	June 5, 2020	October 7, 2020
Piping	20	June 25, 2020	July 23, 2020	20	20	0	July 10, 2020	August 3, 2020
ID Fan & Boiler Loop								
Ductwork	10	May 26, 2020	June 8, 2020	55	55	45	June 18, 2020	September 14, 2020
Electrical	60	May 26, 2020	August 18, 2020	75	75	15	August 5, 2020	November 17, 2020
Piping	32	June 5, 2020	July 22, 2020	58	58	26	June 8, 2020	August 27, 2020

Extended durations
demonstrate inherent
impact of COVID
Compliant Work
Restrictions

Analysis of Construction Schedule Delay Due to COVID-19 HSE Work Restrictions (Cont)

Construction Subcontractor [REDACTED] analysis of schedule duration impact due to new COVID-19 Compliant Work Rules

3.4 Impacted Schedule- Project Shutdown and Area Resource Leveling

Figure 3 represents the summary of impact to the March 27th data date schedule with the project shut down dates established in the schedule as well as resource leveling the schedule with maximum numbers of trades on the project site and area resource leveling. These two impact items result in a 10/30/2020 Mechanical Completion Date, an Impact of (25) workdays due to project shut down and (18) workdays due to resource leveling and total of a (43) workday delay. Resource leveling now has a greater impact due to concurrent activities needing manpower in similar areas. With the limitations of manpower in these areas, activities had to be prioritized and some areas resulted in delays to the schedule.

This impact also represents the actual impact to the project and what had been presented since May 13th, 2020 as the resource leveled schedule DD 08-May-20 post project shutdown. Mechanical Completion was represented as 10/30/2020. The project has continued since that point and was reestablished as the requested Mechanical Completion Date in [REDACTED] Correspondence 19037-ACI-WP-007_Mechanical Completion Schedule Relief dated 08/04/2020. The attached Birla Carbon EPC_Leveled Schedule_DD 08-May-20 schedule layout represents the project's schedule upon return to work.

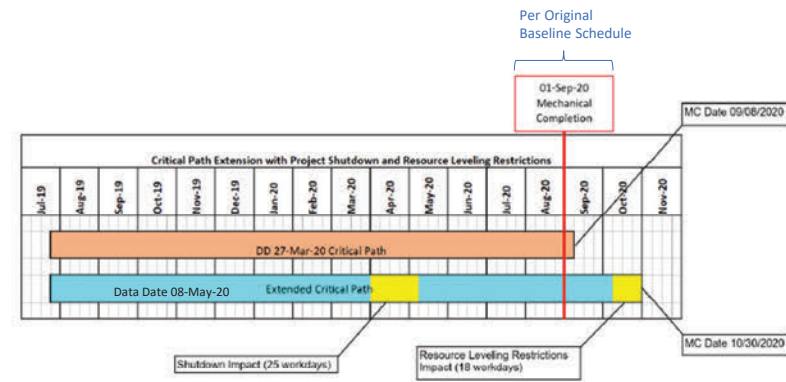


Figure 3 Summary Bar Chart Project Shutdown and Area Resource Leveling Restrictions

COVID-19 Quarantine of E&I Subcontractor Delay Impact

Expected Mechanical Completion as of September 18, 2020 (prior to 14 day quarantine)

Layout: In Progress and Remaining
Filter: TASK filters: Master Layout, Not

19037_72 - Birla Carbon EPC Construction Schedule Update DD 18-Sep-20 - Resource Levelled

ActivityID	ActivityName	Original Duration	% Complete	Start	Finish	Total Float	Sep	Oct	Nov
Birla Carbon EPC Construction Schedule Update DD 18									
Milestones									
Contractual Milestones									
M-3000	Milestone: Mechanical Completion	0	0%	30-Oct-20*	16-Dec-20	-42			

Expected Mechanical Completion as of September 25, 2020 (Reflects planned additional manpower scheduled to help mitigate effect of 14 Day Quarantine of E&I Subcontractor)

Layout: In Progress and Remaining
Filter: TASK filters: Master Layout, Not

19037_73 - Birla Carbon EPC Construction Schedule Update DD 25-Sep-20 - Resource Levelled

ActivityID	ActivityName	Original Duration	% Complete	Start	Finish	Total Float	Oct	Nov	Dec
Birla Carbon EPC Construction Schedule Update DD 25									
Milestones									
Contractual Milestones									
M-3000	Milestone: Mechanical Completion	0	0%	10-Nov-20*	16-Dec-20	-49			

Expected Mechanical Completion as of October 30, 2020 (Reflects additional Sunday Overtime scheduled to further help mitigate 14 Day Quarantine of E&I Subcontractor)

Layout: In Progress and Remaining
Filter: TASK filters: Master Layout, Not

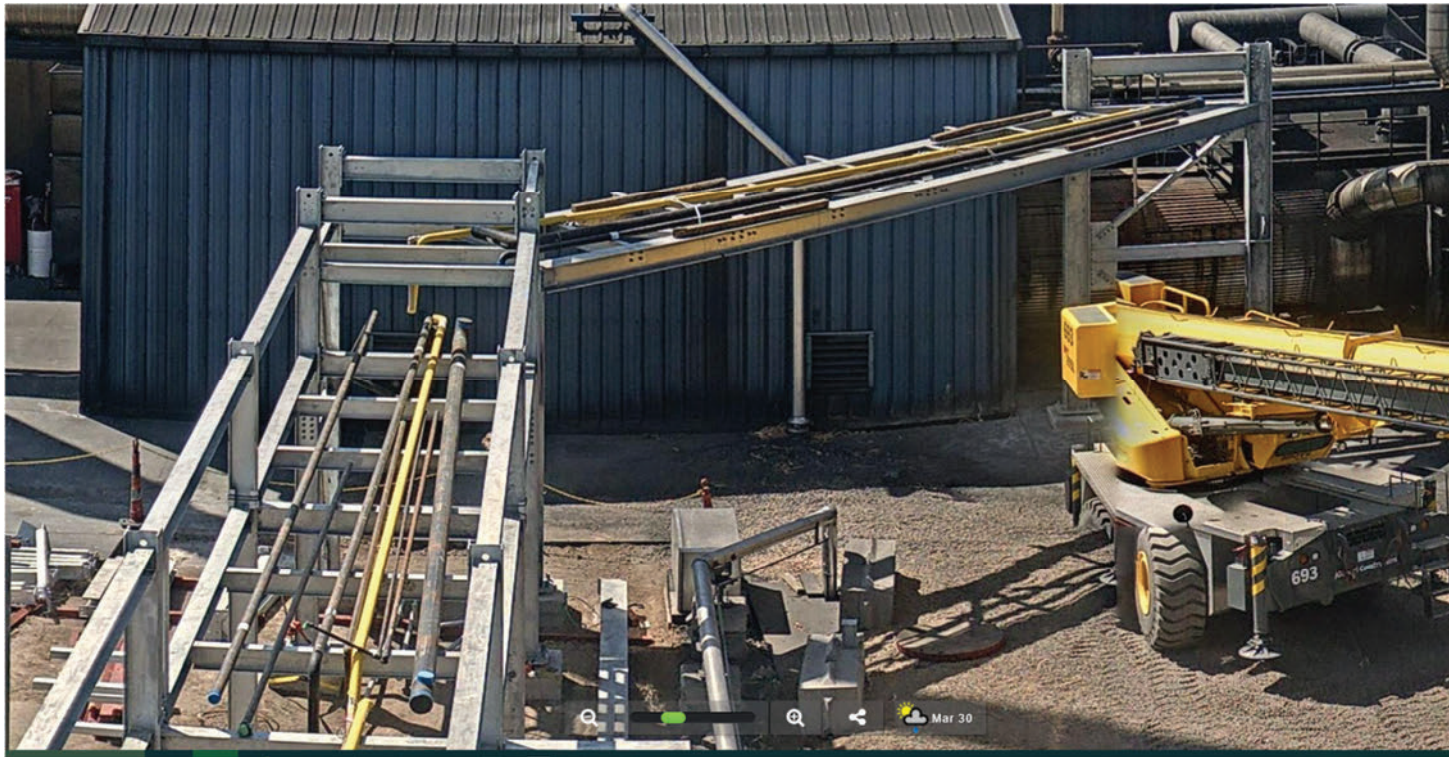
19037_79 - Birla Carbon EPC Construction Schedule Update DD 30-Oct-20 - Resource Levelled

ActivityID	ActivityName	Original Duration	% Complete	Start	Finish	Total Float	Nov	Dec
Birla Carbon EPC Construction Schedule Update DD 30								
Milestones								
Contractual Milestones								
M-3000	Milestone: Mechanical Completion	0	0%	03-Nov-20*	30-Dec-20	-44		

Summary

	Pre COVID-19 Baseline	Force Majeure Impact
Relative Data Date	27-Mar-20	27-Mar-20
March 27, 2020 Construction Duration to Complete (Days)	158	158
Material and Equipment Delay Impact	0	45
COVID-19 HSE Site Work Restrictions	0	18
COVID-19 Quarantine of E&I Subcontractor Delay Impact	0	14
Positive COVID-19 Mitigation Efforts	0	-14
Mechanical Completion	1-Sep-20	3-Nov-20
Commissioning Duration (Days)	122	122
Current Foreseen Commissioning Duration Improvement (Days)	0	0
Force Majeure Equipment Damage Remediation	0	41
Continuous Operation	1-Jan-21	15-Apr-21

Piping Placed w/out Supports



ATTACHMENT 5

2021-04-01 - Hickok - Letter from Worley



2675 Morgantown Road
Reading PA 19607
USA

Telephone: +1 610 855 2000
worleyparsons.com

01 Apr 2021

HAQCU-00-PM-TRE-0093

Mark Vannice, Birla Carbon Project Director
Birla Carbon USA, Inc
1800 West Oak Commons Ct
Marietta, Georgia 30062

Re: HAQCU – Force Majeure Notice for WHRB Incident

Dear Mr. Vannice,

Pursuant to EPC Contract Article 28 “Force Majeure” Worley officially claims the Waste Heat Recovery Boiler (WHRB) incident and its subsequent remediation efforts as a Force Majeure event. The chain of events which initiated on February 6, 2021, as detailed in Worley’s Root Cause Analysis report, have numerous causations, resulting from multiple circumstances and factors. Those causations in totality led to the WHRB’s condition requiring significant repair and have now extended the project schedule completion dates (Substantial Completion and Continuous Operation) while WHRB remediation is being performed. The outcome of this incident meets the EPC contract’s treatment of Force Majeure, as it was unforeseeable and beyond the Parties’ reasonable control.

As communicated in periodic status updates since the inception of the event, the remediation of this boiler incident and follow-up testing establishes the critical path towards project completion. As such, Worley has made all reasonable efforts towards minimizing such project delays.

Worley reserves its rights to obtain cost and schedule relief related to this Force Majeure event.

Yours sincerely,

Scott Dawson
HAQCU Project Manager
Hickok Air Quality Control Upgrade Project

CC: Dale Clarke, Birla Carbon Chief Manufacturing Officer
Trey Wills, Worley VP of Power Generation
Robert Martin, Worley VP of Operations
Timothy Evered, Worley Legal Counsel
William Meyn, Worley Legal Counsel